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In re Application of WALLACE

U.S. Application No.: 10/558,578

PCT Application No.: PCT/EP2004/005818

Int. Filing Date: 28 May 2004

Priority Date Claimed: 30 May 2003

Attorney Docket No.: 09931-00047-US

For: POLYMER

DECISION

This is in response to applicant's "Request for Corrected Official Filing Receipt" filed 09 October 2006, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 28 May 2004, applicant filed international application PCT/EP2004/005818, which claimed priority of an earlier European Patent Office application filed 30 May 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 09 December 2004. The thirty-month period for paying the basic national fee in the United States expired on 30 November 2005.

On 29 November 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 17 July 2006, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which indicated 01 February 2006 as the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements.

On 09 October 2006, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the records for international application PCT/EP2004/005818 reveals that a declaration under PCT Rule 4.17(iv) was submitted with the international application papers.

Accordingly, a new declaration was not required pursuant to 37 CFR 1.497(a). Therefore, the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements were satisfied on 29 November 2005.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 17 July 2006 is hereby <u>VACATED</u>.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which should indicate 29 November 2005 as the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements, and a corrected Filing Receipt, which should indicate 29 November 2005 as the "Filing or 371(c) Date".

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